

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PFIZER INC,	x
ROBERT JARVIK, M.D.,	:
JARVIK HEART, INC.,	: Civil Action No. 08 Civ. 2018 (LAK)
	: (JCF)
Plaintiffs,	:
	: <u>NOTICE OF MOTION</u>
v.	:
	:
MATHEW I. GELFAND, M.D.,	:
	:
Defendant.	:

x

PLEASE TAKE NOTICE that, upon the attached affidavit of David G. Ebert, sworn to April 10, 2008, the accompanying memorandum of law, and all prior proceedings in this action, plaintiffs will move this Court, before the Honorable Lewis A. Kaplan at the Courthouse, 500 Pearl Street, New York, New York 10007-1312, at such date as the Court may designate, for an order granting plaintiffs' motion to dismiss and/or strike defendant's counterclaims pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), and for such other and further relief as Court deems just and proper.

Dated: New York, New York
April 10, 2008

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& BERTOLOTTI, LLP

By 

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